

The only contention raised by the learned counsel for the petitioner is that the revision petition was filed by the petitioner before the Additional Sessions Judge, Nohar. Without

there being any intimation, the revision petition was transferred from the Court of the Additional Sessions Judge, Nohar to the Court of the Additional Sessions Judge, Bhadra and the Additional Sessions Judge, Bhadra, in absence of the petitioner, decided the revision petition, therefore, the petitioner has been deprived of the opportunity of hearing.

From a perusal of the record, it appears that neither the petitioner nor the non-petitioner was having any knowledge about transfer the revision petition. The impugned order itself shows that only the Additional Public Prosecutor was present and none else. Therefore, without their being any notice to the concerned parties, the Revisional Court decided the matter and, thus, the impugned order deserves to be set aside.

Consequently, the criminal miscellaneous petition is allowed. The impugned order dated 25-10-2002 passed by the Additional Sessions Judge, Bhadra is set aside and the matter is remanded to the Additional Sessions Judge, Bhadra to hear the contesting parties and decide the revision petition afresh. The petitioner and the non-petitioner No.2 shall appear before the Additional Sessions Judge, Bhadra on 13-11-2006 and no fresh notice would be necessary to be issued to them. The stay petition stands disposed of.

(H.R. PANWAR), J.

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